

UNITED STATES DISTRICT COURT

for the
Western District of TexasUnited States of America
v.
Salvador MIRABEL Jr.
Amanda Guadalupe GARCIA

Case No.

Defendant(s)

3:19-mj-08643-MAT (1+2)

2019 SEP 26 AM 10:43
SF

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 25, 2019 in the county of Hudspeth in the
Western District of Texas, the defendant(s) violated:

Code Section

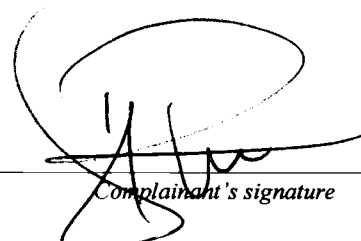
Title 8 U.S.C § 1324 (a)(1)(A)(v)(I),
(a)(1)(A)(ii) and (a)(1)(B)(i)

Offense Description

knowingly, intentionally, and unlawfully conspired, combined, confederated, and agreed together, and with others known and unknown, to commit offenses against the United States, namely: knowing and in reckless disregard of the fact that an alien has come to, entered, and remained in the United States in violation of law, did transport, move, and attempt to transport and move such alien within the United States by means of transportation and otherwise, in furtherance of said violation of law.

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT

☒ Continued on the attached sheet.

Complainant's signature

Deborah Rivero-HSI Special Agent

Printed name and title

Sworn to before me and signed in my presence.

Date: 09/26/2019City and state: El Paso, Texas

Judge's signature

Miguel Torres- U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

On September 25, 2019, at approximately 2:00 am, United States Border Patrol (USBP) Agent Florencio Bermudez was conducting line watch operations in Allamore, Texas; which is located west of Van Horn, Texas and situated in Hudspeth County in the Western District of Texas, when he witnessed a white semi-tractor flashing its hazard lights while parked on the eastbound lane of Interstate-10 (I-10) by mile marker 131. The area where the semi was parked is a common pick-up location for alien and narcotic smuggling activities and based off previous work experience, BPA Bermudez knew flashing the hazard lights is a tactic used as a signal for individuals who may be hiding in the surrounding brush. BPA Bermudez positioned his government issued vehicle in a way that allowed him to monitor the semi-tractor which appeared to be having mechanical issues.

At approximately 2:15 am, BPA Bermudez observed a white Ford Expedition which had been traveling westbound on I-10, get off at the Allamore exit and began driving eastbound on I-10 until it came to a stop next to the semi-tractor. BPA Bermudez drove past both parked vehicles and repositioned his vehicle a half mile ahead of the other two vehicles. Approximately five minutes later, the Ford Expedition began driving eastbound of I-10 and passed BPA Bermudez. BPA Bermudez began following the Ford Expedition and found it odd the vehicle drove past the town of Van Horn, Texas and did not stop to seek any type of vehicle assistance. BPA Bermudez requested a registration check on the Texas license plate and was advised the vehicle was registered to an individual in El Paso, Texas. BPA Bermudez began to suspect a smuggling venture was taking place since the vehicle had originally been traveling westbound towards El Paso, turned around at the Allamore exit, stopped by the semi-tractor, then continued driving eastbound past the nearest town. BPA Bermudez decided to initiate a traffic stop.

The Ford Expedition came to a stop by mile marker 142 east of Van Horn, Texas. BPA Bermudez approached the front passenger side of the vehicle, identified himself as a USBP Agent and questioned the passenger, later identified as Amanda Guadalupe GARCIA (GARCIA) as to her citizenship. GARCIA stated she was a United States Citizen (USC). BPA Bermudez asked the driver, later identified as Salvador MIRABAL Jr. (MIRABAL) his citizenship, to which he replied USC. BPA Bermudez saw additional passengers in the rear seats and asked MIRABAL if all the passengers in the vehicle were USCs, to which MIRABAL replied "I don't know". BPA Bermudez then questioned the two adult passengers in the rear, and they admitted they and their two-year old daughter were citizens of Guatemala who did not have any documentation allowing them to be or remain in the United States legally. BPA Bermudez asked MIRABAL if he personally knew the Illegal Aliens (IAs) and MIRABEL said he did not know them but was asked to pick them up from the driver of a semi-tractor which had broken down. MIRABEL then stated to BPA Bermudez that he had "messed up real bad". At this point, BPA Bermudez placed MIRABAL and GARCIA under arrest and verbally advised them of their Miranda Rights. Both MIRABAL and GARCIA acknowledged they understood their rights.

MIRABAL, GARCIA, the three Guatemalan citizens and two children belonging to the front passengers were transported to the USBP Van Horn Station for processing.

BPA Agents then traveled to mile marker 131 where they encountered the driver of the semi-tractor, listed here by his initials J.A.B. The driver informed the Agents he was a USC and claimed no knowledge of any IAs. When confronted with what had transpired earlier, J.A.B. admitted to seeing the aliens exit his semi-tractor and enter the Ford Expedition but denied knowing they were in his vehicle to begin with. J.A.B. was placed under arrest for suspicion of alien smuggling and was verbally advised of his Miranda Rights, to which he acknowledged he understood. He was transported to the USBP Van Horn Station.

At the station, USBP Lead Intel Agent George Talavera once again advised J.A.B. of his Miranda Rights both verbally and in writing. J.A.B. invoked his right to an attorney.

Agent Talavera once again advised MIRABAL of his Miranda Rights both verbally and in writing. He acknowledged his rights and agreed to make a statement without the presence of an attorney. MIRABAL said he quit his job as a truck driver and needed money. A friend of his contacted him and asked him to transport a group of IAs to Dallas, Texas. MIRABAL told his friend he did not have access to a truck but knew someone who did. MIRABAL contacted J.A.B. and offered him \$1,500 USD to transport the IAs to Midland, Texas in his semi-tractor, to which J.A.B. agreed. MIRABAL said he picked up the IAs in the northeast side of El Paso and traveled with his family to a truck stop where he turned over the IAs to J.A.B. The family then continued traveling eastbound towards Midland, Texas where he was going to drop off GARCIA and their children with a family member who resided there. J.A.B. was going to contact MIRABAL once he arrived in Midland and MIRABAL would then deliver the IAs to someone in Dallas. MIRABAL admitted he had smuggled IAs twice before using a semi-tractor trailer. He said GARCIA was aware he had done it in the past and did not condone his behavior. MIRABAL stated GARCIA did not want the IAs in their vehicle but once the truck broke down, he felt he had no choice and had to go back and pick them up. MIRABAL said GARCIA had nothing to do with the alien smuggling scheme and took full responsibility.

Homeland Security Investigation (HSI) Special Agents (SA) Deborah Rivero responded to the USBP Van Horn Station to investigate of the smuggling event.

At approximately 9:50 am, a custodial interview of Amanda Guadalupe GARCIA was initiated. In the recorded interview SA Rivero presented GARCIA with her Miranda Rights in the English language. GARCIA acknowledged both verbally and in writing that she understood her rights and agreed to make a voluntary statement without the presence of an attorney.

During the recorded interview GARCIA stated the following:

On September 24, 2019, at approximately 10:00 pm, MIRABAL arrived at their home to pick her and the kids up and was surprised to see people in the car. They had already made plans to have MIRABAL drop her and their kids off in Midland so she could visit her mother. She admitted they did not have a healthy relationship and MIRABAL often did whatever he wanted. He had told her he was going to drop off the people with J.A.B. She said she did not personally know J.A.B. but knew he and MIRABAL had been employed at the same trucking company in the past. J.A.B. was going to meet him in Midland and then MIRABAL was going to drive the group to another location which she claimed not to know. After they left their home, they met with J.A.B. at the McDonalds located by I-10 and the Horizon exit in El Paso. The IAs exited their vehicle and they continued driving to Midland. They had already passed the checkpoint when MIRABAL received a phone call and he suddenly turned around. He did not tell her what was happening and when they arrived at the semi-tractor, the people got out of semi-tractor and entered their vehicle. She said she did not want them in the car with their kids, but he would not listen to her. When the USBP stopped the vehicle, the kids became hysterical and began crying. GARCIA admitted she knew he had smuggled people twice in the past when he needed money. He had just quit his job the week before but did not know how much money he was going to be paid.

At approximately 10:23 am, SA Rivero attempted to conduct a custodial interview of MIRABAL. He informed SA Rivero he did not want to speak to anyone.

M.M.S. was one of the illegal aliens apprehended in this event. M.M.S admitted he, his wife, and daughter had an upcoming immigration court date under the Migrant Protection Protocols (MPP). M.M.S. said while waiting in Mexico, they became desperate due to his wife's pregnancy and contracted an alien smuggler in Mexico to smuggle them into the United States. M.M.S. said the family entered the United States on September 20, 2019 and were taken to a stash house where they remained for four days. The night before their arrest, MIRABAL and GARCIA arrived at the stash house with their children and transported them to a gas station where they then got into the semi-tractor being driven by J.A.B. The family hid in the sleeper area of the semi-tractor as they crossed the checkpoint. The vehicle stalled and MIRABAL and GARCIA returned in the same vehicle to pick them up.

SA Rivero re-interviewed GARCIA and asked her if she picked up the IAs at the stash house. GARCIA admitted she and her children were in the car.

Not wanting to separate the family due to the female's medical condition, the IAs were not retained as material witnesses. They were released back to USBP custody.

I make this affidavit on the basis of my personal knowledge, as well as the basis of information furnished to me by other law enforcement officers. Because this affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.